

1 AN ACT relating to federally mandated background checks and declaring an
2 emergency.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔Section 1. KRS 17.165 is amended to read as follows:

5 (1) As used in this section, "sex crime" means a conviction or a plea of guilty to a sex
6 crime specified in KRS 17.500.

7 (2) As used in this section, "violent offender" means any person who has been
8 convicted of or pled guilty to the commission of a capital offense, Class A felony,
9 or Class B felony involving the death of the victim, or rape in the first degree or
10 sodomy in the first degree of the victim or serious physical injury to a victim.

11 (3) As used in this section, "violent crime" shall mean a conviction of or a plea of guilty
12 to the commission of a capital offense, Class A felony, or Class B felony involving
13 the death of the victim, or rape in the first degree or sodomy in the first degree of
14 the victim or serious physical injury to a victim.

15 (4) As used in this section, "criminal offense against a victim who is a minor" means
16 a conviction of or a plea of guilty to a criminal offense against a victim who is a
17 minor as specified in KRS 17.500(3).

18 (5) (a) Excluding a child care staff member pursuant to Section 4 of this Act, the
19 provisions of this section shall apply to all applicants for initial employment
20 in a position which involves care and supervision of a minor on or after the
21 effective date of this Act.

22 (b) Each employer of an applicant for initial employment in a position which
23 involves care and supervision of a minor shall request all conviction
24 information for the applicant for employment from the Justice and Public
25 Safety Cabinet or the Administrative Office of the Courts prior to employing
26 the applicant.~~[No child care center as defined in KRS 199.894 shall employ,~~
27 ~~in a position which involves supervisory or disciplinary power over a minor,~~

1 ~~or direct contact with a minor, any person who is a violent offender or has~~
2 ~~been convicted of a sex crime. Each child care center shall request all~~
3 ~~conviction information for any applicant for employment from the Justice and~~
4 ~~Public Safety Cabinet or the Administrative Office of the Courts prior to~~
5 ~~employing the applicant].~~

6 **(c) This subsection shall not be construed to apply to an employer of a minor.**

7 **(6) [(5)] No applicant for initial employment in a position which involves care and**
8 **supervision of a minor pursuant to subsection (5) of this section**~~[child care~~
9 ~~provider that is required to be certified under KRS 199.8982 or that receives a~~
10 ~~public child care subsidy administered by the cabinet or an adult who resides on the~~
11 ~~premises of the child care provider and has direct contact with a minor]~~ shall have
12 been convicted of a violent crime, **a criminal offense against a victim who is a**
13 **minor,** or a sex crime, or have been found by the Cabinet for Health and Family
14 Services or a court to have abused or neglected a child.

15 **(7) [(6)]** Each application form, provided by the employer to the applicant, shall
16 conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT,
17 STATE LAW REQUIRES A CRIMINAL RECORD CHECK AS A CONDITION
18 OF EMPLOYMENT."

19 **(8) [(7)]** Any request for records under subsection **(5) [(4)]** of this section shall be on a
20 form approved by the Justice and Public Safety Cabinet or the Administrative
21 Office of the Courts, and the cabinet may charge a fee to be paid by the applicant in
22 an amount no greater than the actual cost of processing the request.

23 ~~[(8) The provisions of this section shall apply to all applicants for initial employment in~~
24 ~~a position which involves supervisory or disciplinary power over a minor after July~~
25 ~~15, 1988.]~~

26 ➔Section 2. KRS 199.011 is amended to read as follows:

27 As used in this chapter, unless the context otherwise requires:

- 1 (1) "Secretary" means the secretary for health and family services;
- 2 (2) "Cabinet" means the Cabinet for Health and Family Services;
- 3 (3) "Department" means the Department for Community Based Services;
- 4 (4) "Child" means any person who has not reached his eighteenth birthday;
- 5 (5) "Adult adopted person" means any adopted person who is twenty-one (21) years of
6 age or older;
- 7 (6) "Child-caring facility" means any institution or group home, including institutions
8 and group homes that are publicly operated, providing residential care on a twenty-
9 four (24) hour basis to children, not related by blood, adoption, or marriage to the
10 person maintaining the facility, other than an institution or group home certified by
11 an appropriate agency as operated primarily for educational or medical purposes, or
12 a residential program operated or contracted by the Department of Juvenile Justice
13 that maintains accreditation, or obtains accreditation within two (2) years of
14 opening from a nationally recognized accrediting organization;
- 15 (7) "Child-placing agency" means any agency licensed by the cabinet which supervises
16 the placement of children in foster family homes or child-caring facilities, or which
17 places children for adoption;
- 18 (8) "Adoption worker" means an employee of the cabinet so designated by the secretary
19 for health and family services, a social worker employed by a county or city who
20 has been approved by the cabinet to handle, under its supervision, adoption
21 placement services to children, or a social worker employed by or under contract to
22 a child-placing adoption agency;
- 23 (9) "Foster family home" means a private home in which children are placed for foster
24 family care under supervision of the cabinet or of a licensed child-placing agency;
- 25 (10) "Group home" means a homelike facility, excluding Department of Juvenile Justice
26 operated or contracted facilities, for not more than eight (8) foster children, not
27 adjacent to or part of an institutional campus, operated by a sponsoring agency for

- 1 children who may participate in community activities and use community resources;
- 2 (11) "Institution" means a child-caring facility providing care or maintenance for nine (9)
- 3 or more children;
- 4 (12) "Family rehabilitation home" means a child-caring facility for appropriate families
- 5 and comprising not more than twelve (12) children and two (2) staff persons;
- 6 (13) "Placement services" means those social services customarily provided by a
- 7 licensed child-placing or a public agency which are necessary for the arrangement
- 8 and placement of children in foster family homes, child-placing facilities, or
- 9 adoptive homes. Placement services are provided through a licensed child-placing
- 10 or a public agency for children who cannot be cared for by their biological parents
- 11 and who need and can benefit from new and permanent family ties established
- 12 through legal adoption. Licensed child-placing agencies and public agencies have a
- 13 responsibility to act in the best interests of children, biological parents, and adoptive
- 14 parents by providing social services to all the parties involved in an adoption;
- 15 (14) "Rap back system" means a system that enables an authorized entity to receive
- 16 ongoing status notifications of any criminal history from the Department of
- 17 Kentucky State Police or the Federal Bureau of Investigation reported on an
- 18 individual whose fingerprints are registered in the system, upon approval and
- 19 implementation of the system;
- 20 (15) "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C.
- 21 sec. 675(10); and
- 22 (16)~~(15)~~ "Voluntary and informed consent" means that at the time of the execution of
- 23 the consent the consenting person was fully informed of the legal effect of the
- 24 consent, that the consenting person was not given or promised anything of value
- 25 except those expenses allowable under KRS 199.590(6), that the consenting person
- 26 was not coerced in any way to execute the consent, and that the consent was
- 27 voluntarily and knowingly given. If at the time of the execution of the consent the

1 consenting person was represented by independent legal counsel, there shall be a
2 presumption that the consent was voluntary and informed. The consent shall be in
3 writing, signed and sworn to by the consenting person and include the following:

- 4 (a) Date, time, and place of the execution of the consent;
- 5 (b) Name of the child, if any, to be adopted and the date and place of the child's
6 birth;
- 7 (c) Consenting person's relationship to the child;
- 8 (d) Identity of the proposed adoptive parents or a statement that the consenting
9 person does not desire to know the identification of the proposed adoptive
10 parents;
- 11 (e) A statement that the consenting person understands that the consent will be
12 final and irrevocable under this paragraph unless withdrawn under this
13 paragraph.

14 1. If placement approval by the secretary is required, the voluntary and
15 informed consent shall become final and irrevocable twenty (20) days
16 after the later of the placement approval or the execution of the
17 voluntary and informed consent. This consent may be withdrawn only by
18 written notification sent to the proposed adoptive parent or the attorney
19 for the proposed adoptive parent on or before the twentieth day by
20 certified or registered mail and also by first class mail.

21 2. If placement approval by the secretary is not required, the voluntary and
22 informed consent shall become final and irrevocable twenty (20) days
23 after the execution of the voluntary and informed consent. This consent
24 may be withdrawn only by written notification sent to the proposed
25 adoptive parent or the attorney for the proposed adoptive parent on or
26 before the twentieth day by certified or registered mail and also by first
27 class mail;

- 1 (f) Disposition of the child if the adoption is not adjudged;
- 2 (g) A statement that the consenting person has received a completed and signed
- 3 copy of the consent at the time of the execution of the consent;
- 4 (h) Name and address of the person who prepared the consent, name and address
- 5 of the person who reviewed and explained the consent to the consenting
- 6 person, and a verified statement from the consenting person that the consent
- 7 has been reviewed with and fully explained to the consenting person; and
- 8 (i) Total amount of the consenting person's legal fees, if any, for any purpose
- 9 related to the execution of the consent and the source of payment of the legal
- 10 fees.

11 ➔Section 3. KRS 199.462 is amended to read as follows:

- 12 (1) Before an applicant is approved to provide foster care or relative caregiver services
- 13 to a child, or approved to receive a child for adoption, the Cabinet for Health and
- 14 Family Services shall:
 - 15 (a) Require a criminal background investigation of the applicant and any of the
 - 16 applicant's adult household members by means of a fingerprint check by the
 - 17 Department of Kentucky State Police and the Federal Bureau of Investigation;
 - 18 or
 - 19 (b) Request from the Justice and Public Safety Cabinet records of all conviction
 - 20 information for the applicant and any of the applicant's adult household
 - 21 members. The Justice and Public Safety Cabinet shall furnish the information
 - 22 to the Cabinet for Health and Family Services and shall also send a copy of
 - 23 the information to the applicant.
- 24 (2) The request for records shall be in a manner~~[on a form]~~ approved by the Justice
- 25 and Public Safety Cabinet, and the Justice and Public Safety Cabinet may charge a
- 26 fee to be paid by the applicant for the actual cost of processing the request.
- 27 (3) During a certified adoptive or foster home's annual reevaluation, the Cabinet for

1 Health and Family Services may:

2 (a) Require a background investigation for each adult household member of the
3 certified adoptive or foster home under subsections (1) and (2) of this section;

4 or

5 (b) Register each adult household member of a certified adoptive or foster
6 home under subsections (1) and (2) of this section in the rap back system.

7 (4) The Cabinet for Health and Family Services shall promulgate an administrative
8 regulation to implement this section.

9 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO
10 READ AS FOLLOWS:

11 (1) For the purposes of this section, "child care staff member" has the same
12 meaning as in 42 U.S.C. sec. 9858f and the implementing federal rules.

13 (2) The cabinet shall require a child care staff member to submit to background
14 checks in accordance with 42 U.S.C. sec. 9858f and the implementing federal
15 rules, including national and state fingerprint-supported criminal background
16 checks by the Department of Kentucky State Police and the Federal Bureau of
17 Investigation.

18 (3) The child care staff member shall provide the member's fingerprints to the
19 Department of Kentucky State Police for submission to the Federal Bureau of
20 Investigation after a state criminal background check is conducted.

21 (4) The results of the national and state criminal background checks shall be sent to
22 the cabinet.

23 (5) The cabinet may register a child care staff member in the rap back system.

24 (6) The request for background checks shall be in a manner approved by the Justice
25 and Public Safety Cabinet, and the cabinet may charge a fee to be paid by a child
26 care staff member for the actual cost of processing the request.

27 (7) Any fee charged by the Department of Kentucky State Police or the Federal

1 *Bureau of Investigation shall be an amount no greater than the actual cost of*
2 *processing the request and conducting the criminal background check and rap*
3 *back system ongoing status notification.*

4 *(8) The cabinet shall promulgate administrative regulations in accordance with KRS*
5 *Chapter 13A to implement this section.*

6 ➔Section 5. KRS 199.896 is amended to read as follows:

- 7 (1) No person, association, or organization shall conduct, operate, maintain, or
8 advertise any child-care center without obtaining a license as provided in KRS
9 199.892 to 199.896.
- 10 (2) The secretary may promulgate administrative regulations pursuant to KRS Chapter
11 13A relating to license fees and may establish standards of care and service for a
12 child-care center, criteria for the denial of a license if criminal records indicate
13 convictions that may impact the safety and security of children in care, and
14 procedures for enforcement of penalties.
- 15 (3) Each initial application for a license shall be made to the cabinet and shall be
16 accompanied by a fee of not more than fifty dollars (\$50) and shall be renewable
17 annually upon expiration and reapplication when accompanied by a fee of twenty-
18 five dollars (\$25). Regular licenses and renewals thereof shall expire one (1) year
19 from their effective date.
- 20 (4) No child-care center shall be refused a license or have its license revoked for failure
21 to meet standards set by the secretary until after the expiration of a period not to
22 exceed six (6) months from the date of the first official notice that the standards
23 have not been met. If, however, the cabinet has probable cause to believe that an
24 immediate threat to the public health, safety, or welfare exists, the cabinet may take
25 emergency action pursuant to KRS 13B.125. All administrative hearings conducted
26 under authority of KRS 199.892 to 199.896 shall be conducted in accordance with
27 KRS Chapter 13B.

- 1 (5) If, upon inspection or investigation, the inspector general finds that a child-care
2 center licensed under this section has violated the administrative regulations,
3 standards, or requirements of the cabinet, the inspector general shall issue a
4 statement of deficiency to the center containing:
- 5 (a) A statement of fact;
 - 6 (b) A statement of how an administrative regulation, standard, or requirement of
7 the cabinet was violated; and
 - 8 (c) The timeframe, negotiated with the child-care center, within which a violation
9 is to be corrected, except that a violation that poses an immediate threat to the
10 health, safety, or welfare of children in the center shall be corrected in no
11 event later than five (5) working days from the date of the statement of
12 deficiency.
- 13 (6) The Cabinet for Health and Family Services, in consultation with the Office of the
14 Inspector General, shall establish by administrative regulations promulgated in
15 accordance with KRS Chapter 13A an informal dispute resolution process
16 containing at least two (2) separate levels of review through which a child-care
17 provider may dispute licensure deficiencies that have an adverse effect on the child-
18 care provider's license.
- 19 (7) A child-care center shall have the right to appeal to the Cabinet for Health and
20 Family Services under KRS Chapter 13B any action adverse to its license or the
21 assessment of a civil penalty issued by the inspector general as the result of a
22 violation contained in a statement of deficiency within twenty (20) days of the
23 issuance of the action or assessment of the civil penalty. An appeal shall not act to
24 stay the correction of a violation.
- 25 (8) In assessing the civil penalty to be levied against a child-care center for a violation
26 contained in a statement of deficiency issued under this section, the inspector
27 general or the inspector general's designee shall take into consideration the

1 following factors:

- 2 (a) The gravity of the threat to the health, safety, or welfare of children posed by
- 3 the violation;
- 4 (b) The number and type of previous violations of the child-care center;
- 5 (c) The reasonable diligence exercised by the child-care center and efforts to
- 6 correct the violation; and
- 7 (d) The amount of assessment necessary to assure immediate and continued
- 8 compliance.

9 (9) Upon a child-care center's failure to take action to correct a violation of the
10 administrative regulations, standards, or requirements of the cabinet contained in a
11 statement of deficiency, or at any time when the operation of a child-care center
12 poses an immediate threat to the health, safety, or welfare of children in the center,
13 and the child-care center continues to operate after the cabinet has taken emergency
14 action to deny, suspend, or revoke its license, the cabinet or the cabinet's designee
15 shall take at least one (1) of the following actions against the center:

- 16 (a) Institute proceedings to obtain an order compelling compliance with the
- 17 administrative regulations, standards, and requirements of the cabinet;
- 18 (b) Institute injunctive proceedings in Circuit Court to terminate the operation of
- 19 the center;
- 20 (c) Institute action to discontinue payment of child-care subsidies; or
- 21 (d) Suspend or revoke the license or impose other penalties provided by law.

22 (10) Upon request of any person, the cabinet shall provide information regarding the
23 denial, revocation, suspension, or violation of any type of child-care center license
24 of the operator. Identifying information regarding children and their families shall
25 remain confidential.

26 (11) The cabinet shall provide, upon request, public information regarding the
27 inspections of and the plans of correction for the child-care center within the past

1 year. All information distributed by the cabinet under this subsection shall include a
2 statement indicating that the reports as provided under this subsection from the past
3 five (5) years are available from the child-care center upon the parent's, custodian's,
4 guardian's, or other interested person's request.

5 (12) All fees collected under the provisions of KRS 199.892 to 199.896 for license and
6 certification applications shall be paid into the State Treasury and credited to a
7 special fund for the purpose of administering KRS 199.892 to 199.896 including the
8 payment of expenses of and to the participants in child-care workshops. The funds
9 collected are hereby appropriated for the use of the cabinet. The balance of the
10 special fund shall lapse to the general fund at the end of each biennium.

11 (13) Any advertisement for child-care services shall include the address of where the
12 service is being provided.

13 (14) All inspections of licensed and unlicensed child-care centers by the Cabinet for
14 Health and Family Services shall be unannounced.

15 (15) All employees and owners of a child-care center who provide care to children shall
16 demonstrate within the first three (3) months of employment completion of at least
17 a total of six (6) hours of orientation in the following areas:

- 18 (a) Basic health, safety, and sanitation;
- 19 (b) Recognizing and reporting child abuse; and
- 20 (c) Developmentally appropriate child-care practice.

21 (16) All employees and owners of a child-care center who provide care to children shall
22 annually demonstrate to the department completion of at least six (6) hours of
23 training in child development. These hours shall include but are not limited to one
24 and one-half (1.5) hours one (1) time every five (5) years of continuing education in
25 the recognition and prevention of pediatric abusive head trauma, as defined in KRS
26 620.020. Training in recognizing pediatric abusive head trauma may be designed in
27 collaboration with organizations and agencies that specialize in the prevention and

1 recognition of pediatric head trauma approved by the secretary of the Cabinet for
2 Health and Family Services The one and one-half (1.5) hours required under this
3 section shall be included in the current number of required continuing education
4 hours.

5 (17) The Cabinet for Health and Family Services shall make available either through the
6 development or approval of a model training curriculum and training materials,
7 including video instructional materials, to cover the areas specified in subsection
8 (15) of this section. The cabinet shall develop or approve the model training
9 curriculum and training materials to cover the areas specified in subsection (15) of
10 this section.

11 (18) Child-care centers licensed pursuant to this section and family child-care homes
12 certified pursuant to KRS 199.8982 shall not use corporal physical discipline,
13 including the use of spanking, shaking, or paddling, as a means of punishment,
14 discipline, behavior modification, or for any other reason. For the purposes of this
15 section, "corporal physical discipline" means the deliberate infliction of physical
16 pain and does not include spontaneous physical contact which is intended to protect
17 a child from immediate danger.

18 (19) Child-care centers that provide instructional and educational programs for
19 preschool-aged children that operate for a maximum of twenty (20) hours per week
20 and which a child attends for no more than fifteen (15) hours per week shall:

- 21 (a) Notify the cabinet in writing that the center is operating;
- 22 (b) Meet all child-care center licensure requirements and administrative
23 regulations related to employee background checks;
- 24 (c) Meet all child-care center licensure requirements and administrative
25 regulations related to tuberculosis screenings; and
- 26 (d) Be exempt from all other child-care center licensure requirements and
27 administrative regulations.

1 (20) Child-care centers that provide instructional and educational programs for
2 preschool-aged children that operate for a maximum of twenty (20) hours per week
3 and which a child attends for no more than ten (10) hours per week shall be exempt
4 from all child-care licensure requirements and administrative regulations.

5 (21) Directors and employees of child-care centers in a position that involves
6 supervisory or disciplinary power over a minor, or direct contact with a minor, shall
7 submit to a criminal record check in accordance with Section 4 of this Act~~KRS~~
8 ~~17.165. The application shall be denied if the applicant has been found by the~~
9 ~~Cabinet for Health and Family Services or a court to have abused or neglected a~~
10 ~~child or has been convicted of a violent crime or sex crime as defined in KRS~~
11 ~~17.165].~~

12 (22) A director or employee of a child-care center may be employed on a probationary
13 status pending receipt of the criminal background check. Application for the
14 criminal record of a probationary employee shall be made no later than the date
15 probationary employment begins.

16 ➔Section 6. KRS 199.8982 is amended to read as follows:

17 (1) (a) The cabinet shall establish a family child-care home certification program
18 which shall be administered by the department. A family child-care provider
19 shall apply for certification of the provider's home if the provider is caring for
20 four (4) to six (6) children unrelated to the provider. A family child-care
21 provider caring for three (3) or fewer children may apply for certification of
22 the provider's home at the discretion of the provider. Applicants for
23 certification shall not have been found by the cabinet or a court to have abused
24 or neglected a child, and shall meet the following minimum requirements:

- 25 1. Submit two (2) written character references;
- 26 2. Provide a written statement from a physician or advanced practice
27 registered nurse that the applicant is in good health;

- 1 3. Submit to a criminal record check in accordance with Section 4 of this
2 Act~~[KRS 17.165. The application shall be denied if the applicant has~~
3 ~~been convicted of a violent crime or sex crime as defined in KRS~~
4 ~~17.165]~~;
- 5 4. Provide smoke detectors, a telephone, an adequate water supply,
6 sufficient lighting and space, and a safe environment in the residence in
7 which care is provided;
- 8 5. Provide a copy of the results of a tuberculosis risk assessment and the
9 results of any appropriate follow-up with skin testing or chest X-ray for
10 applicants who are determined to be at risk for developing tuberculosis
11 in accordance with the recommendations of the Centers for Disease
12 Control and Prevention within thirty (30) days of the date of application
13 for certification; and
- 14 6. Demonstrate completion of a total of at least six (6) hours of training in
15 the following areas within three (3) months of application for
16 certification:
- 17 a. Basic health, safety, and sanitation;
- 18 b. Recognizing and reporting child abuse; and
- 19 c. Developmentally appropriate child-care practice.
- 20 (b) Initial applications for certification shall be made to the department and shall
21 be accompanied by a ten dollar (\$10) certification fee. The department shall
22 issue a certificate of operation upon inspecting the family child-care home and
23 determining the provider's compliance with the provisions of this section. The
24 inspection shall be unannounced. A certificate of operation issued pursuant to
25 this section shall not be transferable and shall be renewed every two (2) years
26 for a fee of ten dollars (\$10).
- 27 (c) A certified family child-care provider shall display the certificate of operation

1 in a prominent place within the residence in which care is provided. The
2 cabinet shall provide the certified family child-care provider with written
3 information explaining the requirements for a family day-care provider and
4 instructions on the method of reporting violations of the requirements which
5 the provider shall distribute to parents.

6 (d) Upon request of any person, the cabinet shall provide information regarding
7 the denial, revocation, suspension, or violation of any type of day-care license
8 of the family child-care provider. Identifying information regarding children
9 and their families shall remain confidential.

10 (e) The cabinet shall provide, upon request, public information regarding the
11 inspections of and the plans of correction for the family child-care home
12 within the past year. All information distributed by the cabinet under this
13 paragraph shall include a statement indicating that the reports as provided
14 under this paragraph from the past five (5) years are available from the family
15 child-care home upon the parent's, custodian's, guardian's, or other interested
16 person's request.

17 (f) The cabinet shall promulgate administrative regulations in accordance with
18 KRS Chapter 13A which establish standards for the issuance, monitoring,
19 release of information under this section and KRS 199.896 and 199.898,
20 renewal, denial, revocation, and suspension of a certificate of operation for a
21 family child-care home and establish criteria for the denial of certification if
22 criminal records indicate convictions that may impact the safety and security
23 of children in care. A denial, suspension, or revocation of a certificate may be
24 appealed, and upon appeal an administrative hearing shall be conducted in
25 accordance with KRS Chapter 13B. If the cabinet has probable cause to
26 believe that there is an immediate threat to the public health, safety, or
27 welfare, the cabinet may take emergency action to suspend a certificate

1 pursuant to KRS 13B.125. The cabinet shall promulgate administrative
2 regulations to impose minimum staff-to-child ratios. The cabinet may
3 promulgate administrative regulations relating to other requirements necessary
4 to ensure minimum safety in family child-care homes. The cabinet shall
5 develop and provide an "easy-to-read" guide containing the following
6 information to a family child-care provider seeking certification of his home:

- 7 1. Certification requirements and procedures;
- 8 2. Information about available child-care training; and
- 9 3. Child-care food sponsoring organizations.

10 (2) Family child-care providers shall annually demonstrate to the department
11 completion of at least six (6) hours of training in child development. These hours
12 shall include but are not limited to one and one-half (1.5) hours one (1) time every
13 five (5) years of continuing education in the recognition and prevention of pediatric
14 abusive head trauma, as defined in KRS 620.020. Training in recognizing pediatric
15 abusive head trauma may be designed in collaboration with organizations and
16 agencies that specialize in the prevention and recognition of pediatric abusive head
17 trauma approved by the secretary of the Cabinet for Health and Family Services.
18 The one and one-half (1.5) hours of continuing education required under this
19 section shall be included in the current number of required continuing education
20 hours.

21 (3) The cabinet shall, either through the development of or approval of, make available
22 a model training curriculum and training materials, including video instructional
23 materials, to cover the areas specified in subsection (1)(a)6. of this section. The
24 cabinet shall develop or approve the model training curriculum and training
25 materials to cover the areas specified in subsection (1)(a)6. of this section.

26 ➔Section 7. KRS 17.990 is amended to read as follows:

27 (1) Any person who violates any of the provisions of KRS 17.320 to 17.340 shall be

1 fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).

2 (2) Any public official or employee who knowingly or intentionally makes, or causes to
3 be made, a false return of information to the department shall be punished by
4 confinement in jail for not more than ninety (90) days, by a fine not exceeding five
5 hundred dollars (\$500), or both.

6 ~~(3)(a) Any child care center which violates KRS 17.165(4) or child care provider~~
7 ~~that violates KRS 17.165(5) may be liable for license or certification~~
8 ~~revocation and the imposition of a civil penalty of not less than five hundred~~
9 ~~dollars (\$500) and not more than one thousand dollars (\$1,000) to be imposed~~
10 ~~and collected by the Cabinet for Health and Family Services; and~~

11 ~~(b) In addition to penalties listed in this subsection, any child care center which~~
12 ~~violates KRS 17.165(4) or child care provider that violates KRS 17.165(5)~~
13 ~~shall be fined not less than five hundred dollars (\$500) or more than one~~
14 ~~thousand dollars (\$1,000).~~

15 ~~(4)}~~ Any person who violates KRS 17.545(2) shall be guilty of a Class A misdemeanor.

16 ➔Section 8. Whereas the background checks authorized herein are vital for child
17 safety and ensure ongoing federal funding compliance, an emergency is declared to exist,
18 and this Act takes effect upon its passage and approval by the Governor or upon its
19 otherwise becoming a law.